

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DIONICIO DANIEL BARRAGAN,

Petitioner,

v.

ISRAEL JACQUEZ,

Respondent.

Case No. 3:24-cv-00021-JE

**ORDER ADOPTING FINDINGS &
RECOMMENDATION**

Dionicio Daniel Barragan, 01896-506, FCI Sheridan Camp, P.O Box 6000, Sheridan, OR 97378.
Pro Se.

Natalie Wight, United States Attorney, Benjamin T. Hickman and Susanne Luse, Assistant
United States Attorneys, 1000 SW Third Ave., Suite 600 Portland, OR 97204. Attorneys for
Respondent.

IMMERGUT, District Judge.

On August 9, 2024, Magistrate Judge John Jelderks issued his Findings and
Recommendation (F&R), ECF 14, recommending that Petitioner’s Petition for Writ of Habeas
Corpus should be dismissed for lack of jurisdiction. No objections were filed.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or
modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No parties having filed objections, the Court has reviewed the F&R, ECF 14, and accepts Judge Jelderks’s conclusions. The F&R, ECF 14, is ADOPTED in full. Petitioner’s Petition for Writ of Habeas Corpus is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

DATED this 9th day of September, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge